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RAY'S EX-LAWYER HINTS RACE ANGLE

Hanes Suggests He Was Not Hired to Try the Case

Special to The New York Times

BIRMINGHAM, Nov. 15—Arthur J. Hanes, the dismissed attorney for James Earl Ray, contended today that it was "entirely possible" that he had been picked as Ray's attorney only to underscore the racial aspect of the assassination of the Rev. Dr. Martin Luther King Jr. and that he had never been expected to be the actual trial lawyer.

Mr. Hanes has received wide publicity for defending three Ku Klux Klansmen in a civil rights case.

Mr. Hanes said it was also possible that Ray had been told, even before Dr. King was murdered, that "he should contact me" if he was arrested.

The lawyer offered his observation in an interview while staring down at the city through the huge plate glass windows of The Club, a graceful dining and drinking club on Red Mountain on Birmingham's south side.

He said he still could hardly credit the brusque manner in which he and his son, Arthur J. Hanes Jr., were dismissed from the Ray case last Sunday night when they arrived at the Shelby jail in Memphis to give Ray a new gray suit to wear during his trial. Upon his arrival the lawyer was handed a note from Ray stating he had been relieved.

Foresaw Possible Switch

Mr. Hanes said that for months he had been aware of many indications that Ray might be preparing to switch attorneys and that about a month ago he became virtually certain that this was Ray's plan. The attorney said that he had mentioned this possibility to the scheduled trial judge, W. Preston Battle, and to the prosecutor, P. M. Canale, the Shelby County Attorney General.

But Ray didn't say anything and Artie and I had to proceed on the assumption that we were going to trial and so we put together just a great defense for Ray, including a few bombshells," Mr. Hanes said.

The suggestion that Mr. Hanes was retained with an intention of underscoring the racial aspects of Dr. King's murder, Mr. Hanes contended, arose from a combination of circumstances.

Mr. Hanes was elected Mayor of Birmingham six years ago on a racist platform after joining forces with Alabama's arch segregationist, Eugene (Bull) Connor, then the Birmingham Police Commissioner.

Three years ago, Mr. Hanes was hired to defend three Ku Klux Klansmen who were accused of murdering Mrs. Viola Gregg Liuzzo, a civil rights worker slain during the Selma to Montgomery march.

Mr. Hanes is a former agent of the Federal Bureau of Investigation and a onetime contract employe of the Central Intelligence Agency. But, he said, because of his activities he came to be regarded nationally as a segregationist and to some extent a racist.

Desire for Strife Seen

William Bradford Huie, the author who bought the rights to Ray's life story, says in an article in the current Look magazine that from information furnished to him by Ray, he concluded that the Negro civil rights leader's murder had been ordered by men who wanted his death to provoke outbreaks of violence between whites and Negroes. They were said, for this reason, to prefer that the murder occur in Birmingham, Montgomery or Selma.

When Ray was arrested in the London airport on June 8, Michael Eugene, a London solicitor, was appointed to advise him during the hearings in the British courts.

After his arrest, Ray wrote letters to two lawyers in the United States—Mr. Hanes and F. Lee Bailey of Boston. The letters were dated June 10.

While visiting in Memphis this week, Mr. Eugene said that Mr. Bailey had telephoned and said that he could not undertake Ray's defense.

Mr. Hanes said that he had received a telephone call from Mr. Eugene on June 13, "the same day I got the letter from Ray."

Mr. Eugene told Mr. Hanes in the telephone call that Ray had said that money for the defense attorneys would be no problem. "He told me that $100,000 was available," Mr. Eugene said in Memphis.

C.I.A. Considered

After the Eugene telephone call and the letter from Ray, Mr. Hanes and his son went to their summer home in southern Alabama and mulled over the proposal for three days. Mr. Hanes said they had concluded that for an assassin to murder Dr. King and to elude capture for more than two months while more than 3,000 Federal Bureau of Investigation agents were searching for him would require elaborate planning. Mr. Hanes said they could think of only two groups that they considered capable of carrying out this type of plan—the C.I.A. and black militants with Red Chinese or Cuban backing.

Mr. Hanes decided that he and his son should undertake Ray's defense notwithstanding their conclusion that they should proceed on the assumption that the murder had been plotted and financed by what he called "black militants with foreign ties."

In the Nov. 12 Look Magazine, which was published in late October, Mr. Huie wrote of Ray's encounters in Canada with a blond Cuban named Raoul. Ray is quoted as saying that Raoul hired him at first to haul narcotics across the border into the United States but told him he would later be assigned a $12,000 job.

Raoul was Ray's contact man, according to the Look article. But Mr. Hanes says he does not believe that the man was blond, a Cuban, or named Raoul. He thinks Ray disguised the description of his contact for some reason of his own.

Mr. Hanes said in Memphis last Monday that the $100,000 that Ray had said was available for the defense had never materialized. Mr. Hanes received part of his fee and expenses from $30,000 that Mr. Huie paid toward his contract with Ray for the rights to Ray's story. The contract was signed July 8 while Ray was still in England.

Mr. Hanes said that the attitude of Ray's brothers, John Ray and Jerry Ray, had helped him form the conclusion that he was never to be the defense attorney at Ray's trial.

"You would expect the family to flock around the attorney to offer help and advice," Mr. Hanes said. "But I couldn't even get close to them. I offered to meet with them in St. Louis, Memphis, Birmingham or any place else. But I never did see either one of them."

Mr. Hanes said that he had not learned until after he had been dismissed by Ray that the two brothers had ordered a copy of the British hearings on the Ray case.

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